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OFFICE OF PETITIONS

In re Application of :
Raghunath Padiyath et al :
Application No. 10/701,329 :
Filed: November 4, 2003 :
Attorney Docket No. 59346US002 :

ON PETITION

This is a decision on the petition filed January 4, 2008 under 37 CFR 1.313(a), to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

The petitioner states "The reason for withdrawal from issue of this application is for consideration of a correction in inventorship under 37 CFR§ 1.48(a) which will be promptly submitted upon obtaining the requisite signatures." However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary.

The above-identified application is now abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed October 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 6, 2008.

For the above reason, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.



Irvin Dingle
Petition Examiner
Office of Petitions